

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 132**

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**Introduced by Assembly Member Logue**

January 11, 2011

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An act to amend Section 2064 of the Labor Code, relating to car washes.

LEGISLATIVE COUNSEL'S DIGEST

AB 132, as amended, Logue. Car washes: regulations: civil penalties.

Existing law requires an employer engaged in the business of car washing and polishing to register annually with the Division of Labor Standards and Enforcement within the Department of Industrial Relations. An employer who fails to register or renew his or her registration is subject to a specified civil fine.

~~This bill would require the Labor Commissioner to notify an employer engaged in the business of car washing and polishing who has failed to register of the requirement to register and of his or her failure to register prior to subjecting the employer to a civil fine. If the employer fails to register within 60 days of receiving that notification, he or she may thereafter be subject to the civil fine.~~

*This bill would permit the Labor Commissioner to increase or decrease the amount of the civil fine, up to a specified maximum, if the failure to register was knowing or intentional and there are additional wage violations by the employer.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2064 of the Labor Code is amended to read:

2064. (a) ~~If the commissioner discovers that an employer has failed to register pursuant to this chapter, he or she shall promptly notify, in writing, the employer of the requirement to register and of the employer's failure to register pursuant to this chapter.~~

~~(b) An employer who fails to register within 60 days of receiving the notification required by subdivision (a), or who fails to renew his or her annual registration, may be pursuant to Section 2054 is subject to a civil fine of up to one hundred dollars (\$100) for each calendar day, not to exceed ten thousand dollars (\$10,000), the employer conducts car washing and polishing while unregistered.~~

*(b) The commissioner may reduce the amount of a fine under this section if he or she determines both of the following:*

*(1) The failure to register was not intentional or knowing.*

*(2) The employer is guilty of no other wage and hour law violations and agrees to a payroll audit.*

*(c) The commissioner may increase a fine under this section up to two hundred fifty dollars (\$250) for each calendar day, not to exceed twenty-five thousand dollars (\$25,000), if he or she determines both of the following:*

*(1) The failure to register was intentional or made to evade wage and hour laws.*

*(2) The employer is guilty of other wage and hour law violations.*